



United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

MEMO ENDORSED

July 9, 2008

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CHAMBERS OF
P.KEVIN CASTEL
U.S.D.J.

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DATE FILED: 7/14/08

The Honorable P. Kevin Castel
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

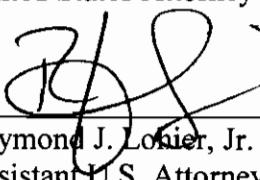
Re: United States v. Mark McKelvie, 08 Cr. 383 (AKH)
United States v. Mark McKelvie, 08 Cr. 339 (PKC)

Dear Judge Castel:

As we informed your Chambers today, the Government and defense counsel, Gerald Dibble, Esq., anticipate that the defendant, Mark McKelvie, will plead pursuant to a cooperation agreement in both of the above-referenced cases. The pleas, which had originally been scheduled to occur in June 2008, were adjourned at the request of defense counsel because of a death in his family. The pleas have now been rescheduled to take place on August 6, 2008, at 4 p.m. The Government respectfully requests that the Court exclude time under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(8)(A), from the date of this letter until and including August 6, 2008. Excluding time will best serve the ends of justice, will permit defense counsel to consult with the defendant, permit the parties to arrive at a disposition of this matter, and outweighs the best interest of the public and the defendant in a speedy trial. Mr. Dibble consents to the exclusion of time.

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney

By: 

Raymond J. Lohier, Jr.
Assistant U.S. Attorney
(212) 637-2235

Application Granted.

Based upon my
independent review
and assessment, I
conclude that an
exclusion until August 6 is
appropriate for the reasons stated
above.

So Ordered:


Hon. P. Kevin Castel, U.S.D.J.

cc: Gerald Dibble, Esq. (by facsimile)

July , 2008